



REMARKS

The present invention is directed to a portable scent delivery system which is worn by the user on his belt or his waist or around his arm or suspended from his neck. Fig. 1 clearly illustrates the user wearing the scent delivery system of the present invention. As shown in Fig. 1, case 1 houses the main components of the scent delivery system and connects to the nasal interface 20 by means of tubing. Thus, the portable scent delivery system of the present invention is similar to a Walkman® in that it is worn by the user and travels with the user as he moves about.

The specification also supports the fact that the scent delivery system of the present invention is portable and emphasizes that the scent delivery system is worn by the user. See, specifically, page 3, lines 2-7; page 4, lines 9-16; page 5, lines 9-15; and page 10, lines 4-12. Furthermore, the dimensions of the case which house the main components of the scent delivery system of the present invention highlight the fact that the system is portable. In particular, line 17, the preferred dimensions of the case are recited as 10cm x 15cm x 6cm, or 4 inches x 6 inches x 2 inches. Thus, it can be seen that the present invention is a compact, portable and non-smoking, bulky system.

other claims depend, have been amended herein to recite that the case in which the scent generating components are housed is adapted to be worn by the user thereby making the system portable. Support for such an amendment can be found in Fig. 1 as well as the passages of the specification which were cited above. See, especially, page 10, lines 4-12.

It is submitted that these amendments to the claims merely make explicit what was already implicit in the claims and, as such, do not raise new issues which would need further consideration. Rather, the applicant is simply emphasizing an aspect of the present invention which was not specifically emphasized in response to the first Office Action. It is also submitted that this portability aspect of the present invention clearly distinguishes it from the reference relied on in the Office Action.

All the claims had been rejected as being anticipated by Martin. A review of Martin shows that Martin's system is not portable. Specifically, Martin does not have a case which houses the scent generating components and which is adapted to be worn by the user. Rather, Martin's system is a large, bulky system which is provided with a video screen and is intended to be used by a

There is no teaching or suggestion in Martin to make his system portable so that a user can wear his system. Martin's system is clearly fixed as shown in Fig. 1 where it is affixed to a chair and in Fig. 2 where it is shown connected to various video components. Nowhere does Martin teach or suggest that his system can be used separate from the video system nor that his system can be housed in a case which is worn by the user.

Martin's system is specifically distinguished from the present invention at page 4, lines 9-16, where it is brought out that these prior art systems are large, bulky systems, the advantage of the present invention being a truly portable system which can be worn by the user. Thus, like the Walkman®, the present invention is simply worn by the user as he ambles about. Respectfully, Martin neither teaches nor suggests a scent delivery system which can be worn by the user. As such, it is submitted that the present invention is not anticipated by Martin.

It will be noted that claim 11 has also been amended to change the term "wearer's" to --user's--. Such amendment is to make the claim broader and more encompassing, as well as to correct

has been amended to be consistent throughout by using the term
--User--.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance and reconsideration and allowance are respectfully requested. Should any fees or extensions of time be necessary in order to maintain this application in pending condition, appropriate requests are hereby made and authorization is given to debit account #02-2275.

Respectfully submitted,

BIERMAN, MUSERLIAN AND LUCAS

DCL:pl

Tel: 212-661-8000
Fax: 212-661-8002

By Donald C. Lucas
Donald C. Lucas
Reg. No. 31,275
Attorney for Applicant